

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2012-070001

08/07/2012

HONORABLE EILEEN S. WILLETT

CLERK OF THE COURT

S. Stewart

Deputy

FREEDOM FROM RELIGION FOUNDATION
INC, et al.

RICHARD W MORRIS

v.

JANICE K BREWER

JOSEPH KANEFIELD

COURT ADMIN-CIVIL-CCC

RULING

The Court has considered Defendant's Motion to Dismiss filed May 3, 2012; Response filed June 15, 2012; and Reply filed July 20, 2012. Oral argument has not been requested.

The Court having considered all information presented and authorities cited, finds that Plaintiffs lack an injury sufficient to demonstrate that they have direct or representational standing. In the absence of a particularized and concrete injury suffered by Plaintiffs, their claims cannot go forward. Plaintiffs have not alleged that they filed their claims in their capacity as taxpayers, nor have they shown a direct injury, pecuniary or otherwise. No exceptional circumstances or fundamental questions of statutory construction or constitutionality of a statute or government action, moot due to passage of time, have been demonstrated to support the Court's waiver of the standing requirement.

Further, Plaintiffs' Declaratory Relief claim seeks an unlawful advisory opinion and all past proclamations are moot. Plaintiffs' claims seek relief that the Court cannot provide.

IT IS ORDERED granting the Motion to Dismiss. The Complaint is dismissed with prejudice.

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IT IS FURTHER ORDERED dismissing this matter with prejudice.

/S/: HONORABLE EILEEN S. WILLETT

HONORABLE EILEEN S. WILLETT
JUDICIAL OFFICER OF THE SUPERIOR COURT

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.